



2025:KER:5794

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 21<sup>ST</sup> DAY OF JANUARY 2025/1ST MAGHA, 1946

CRL.MC NO. 10897 OF 2024

CRIME NO.882/2017 OF KODUNGALLUR POLICE STATION, THRISSUR

PETITIONERS/ACCUSED NO.2 TO 4:

- 1 SHARATH P.M,  
AGED 32 YEARS, S/O MUKUNDAN,  
PADINJATUPARAMBIL HOUSE, P.O KARA, PUTHIYAROAD,  
PIN - 680671
- 2 SIBIL M.A,  
AGED 28 YEARS, S/O ALI,  
MANNANCHERI HOUSE, P.O ERIYAD,  
PIN - 680666
- \*3 FEBIN T.B,  
AGED 31 YEARS,  
S/O MUKUNDAN, PADINJATUPARAMBIL HOUSE,  
P.O KARA, PUTHIYAROAD, PIN - 680671

\*DESCRIPTION OF THE 3RD PETITIONER IS CORRECTED AS  
"S/O. BABU T.M, THOPPIL HOUSE, PUTHIYA ROAD,  
KARA P.O, PINCODE - 680671" AS PER ORDER DATED  
24.03.2025 IN CRL.M.A 1/25 IN CRL.M.C 10897/2024

BY ADVS.  
SAYED MANSOOR BAFAKHY THANGAL  
AMAN MANZOOR

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

- 1 STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682031



- 2 SUB INSPECTROR OF POLICE,  
KODUNGALLOOR, THRISSUR,  
PIN - 680664
- 3 ADITHYAN M.P,  
AGED 24 YEARS, S/O SIDHARTHAN,  
MANAKATTUPADI HOUSE, NEAR ERIYAD DISPENSARY,  
ERIAYD VILLAGE, KODUNGALLOOR, THRISSUR,  
PIN - 680666

BY ADV NOORUL HASSAN  
SMT. S. SEETHA, PP.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
21.01.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



## **ORDER**

**Dated this the 21<sup>st</sup> day of January, 2025**

The petitioners are accused Nos. 2 to 4 in Crime No.882 of 2017 registered at the Kodungallur Police Station for offences punishable under Sections 341, 323, 324 and 34 of the Indian Penal Code, now pending as C.C No.2041 of 2017 on the files of the Judicial First Class Magistrate Court, Kodungallur.

2. The crime was registered on the allegation that, on 14.04.2017, at about 18.30 hours, accused Nos. 1 to 4, with intention of causing hurt to the de facto complainant, wrongfully restrained and attacked him using a wooden stick and bare hands.

3. Learned Counsel for the petitioners submitted that the dispute, which led to the incident and registration of the crime, is amicably settled and Annexure 2 affidavit has been filed by the 3<sup>rd</sup> respondent vouching this fact.

4. Learned Counsel for the 3<sup>rd</sup> respondent



also submitted that the dispute is settled and his client has no grievance against the petitioners.

5. Learned Public Prosecutor pointed out that the 1<sup>st</sup> petitioner, who is the 2<sup>nd</sup> accused in Crime No. 882 of 2017, is having criminal antecedents.

6. Having considered the gravity of the offences alleged and having perused the affidavit, the contents of which are vouched to be true and voluntary by the Counsel for the 3<sup>rd</sup> respondent, I am satisfied that no public interest is involved in this matter and the dispute has been settled amicably. In view of the settlement, there is no possibility of the criminal proceedings ending in conviction. As such, continuance of the proceedings will amount to an abuse of process of court and hence, in view of the legal position set out by the Honourable Supreme Court in **Madan Mohan Abbot v State of Punjab** [(2008) 4 SCC 582] and **Gian Singh v State of Punjab and Another** [(2012) 10 SCC 303], there is no impediment in granting the relief.



7. Insofar as the dispute involved is amicably settled between the parties, criminal antecedents of one among the petitioners need not stand in the way of this Court exercising the power under Section 528 of Cr.P.C.

In the result, this Crl.M.C is allowed. Annexure 1 final report in Crime No. 882 of 2017 of Kodungallur Police Station and all further proceedings in C.C No. 2041 of 2017 on the files of the Judicial First Class Magistrate Court, Kodungallur, as against the petitioners, is quashed.

**Sd/-**

**V.G.ARUN**

**JUDGE**

ARK



APPENDIX OF CRL.MC 10897/2024

PETITIONER ANNEXURES

- ANNEXURE 1                      THE CERTIFIED COPY OF THE FINAL REPORT IN C.C  
NO.2041 OF 2017 ON THE FILES OF THE JUDICIAL  
FIRST CLASS MAGISTRATE COURT, KODUNGALLOOR,  
ARISING OUT OF CRIME NO.882 OF 2017 OF  
KODUNGALLOOR POLICE STATION, THRISSUR  
DISTRICT
- ANNEXURE 2                      THE TRUE COPY OF AFFIDAVIT DATED 04-10-2024  
SWORN BY THE 3RD RESPONDENT/DEFACTO  
COMPLAINANT